

**Question 3 (Replaces MEE Question 3 - Use MEE #3 Answer Booklet)**  
**July 2004 Bar Examination**

You are a newly appointed judge who presides over family law cases. On your docket this morning is the case of Cindy Jones v. Danny Jones. The evidence is that Cindy and Danny married in 2002. Cindy is seeking to end the marriage and she wants an order of maintenance. Cindy contends that she has discovered that Danny was married before and he didn't tell her about his previous marriage. After she found out about his previous marriage, she did some investigation and she contends that Danny's first marriage was never dissolved. She is asking for either an annulment or a dissolution. She feels Danny lied to her throughout their marriage and as punishment for his deception she wants him to pay her maintenance. Danny denies that he ever lied to her. He is confident he told her of his first marriage and he is certain his first marriage was dissolved.

Danny denies that their marriage is irretrievably broken. He objects to any annulment or dissolution or order of maintenance.

1. Assume the evidence is that Danny's first marriage was not properly dissolved. How would you rule on Cindy's request for annulment and her request for maintenance, and explain your reasoning?
2. Assume the evidence is that Danny's first marriage was properly dissolved. How would you rule on Cindy's request for annulment and explain your reasoning?
3. Again assume the evidence is that Danny's first marriage was properly dissolved. Can you enter an order of legal separation under these facts? Why or why not?
4. Cindy decides she would rather just get a decree of dissolution. Danny still denies that the marriage is irretrievably broken.
  - a. What grounds must you find in order to grant Cindy's request for a decree of dissolution?
  - b. How would you rule on Cindy's request for maintenance and what factors should you consider?